

REMARKS

This application has been reviewed in light of the Office Action dated October 28, 2008. Claims 1-24 are pending in the application. Claims 2-4, 7-8, and 11-24 have been withdrawn pursuant to a restriction requirement. Claims 5 and 9 have been cancelled and their subject matter has been added to claim 1. No new matter has been introduced. The Examiner's reconsideration of the rejection in view of the amendment and the following remarks is respectfully requested.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,978,029 to Ikeda (hereinafter "Ikeda"). The elements of claim 1 which were part of claims 5 and 9 have additionally been deemed unpatentable over Ikeda.

Although Applicants believe that claim 1 as presented was in condition for allowance, claim 1 has been amended to include the features of claims 5 and 9. It is believed that this amendment adds additional clarity to the structure of claim 1.

Claim 1 as amended recites, *inter alia*, "a noise-blocking resistor between the acoustic module and input port of the amplification means so as to block electromagnetic noise from being inputted." The Examiner concedes that Ikeda does not show this element. However, the Examiner asserts first that using resistors to block electromagnetic waves is well known in the art, and second that it would therefore have been obvious to place a resistor between the acoustic module and the input port of the amplification means.

Applicants first challenge the Examiner's apparent inference that the use of a resistor for blocking *noise* is common knowledge. The Examiner states that using resistors to block electromagnetic waves is well known, and goes on to say that it would therefore be obvious to use a resistor to block electromagnetic *noise* in the particular configuration of the claims. It

seems that the Examiner has implicitly stated that it is well known that resistors can be used to block electromagnetic noise.

As the Examiner is surely aware, resistors are passive circuit components which have a constant impedance, regardless of the applied frequency. As a result, Applicants believe that it is not common knowledge to use a resistor to block noise, when such a resistor would block the *signal* equally. MPEP § 2144.03(C) states, “If Applicant Challenges a Factual Assertion as Not Properly Officially Noticed or Not Properly Based Upon Common Knowledge, the Examiner Must Support the Finding With Adequate Evidence.” Applicants therefore request either evidence supporting an assertion that resistors are commonly used for blocking noise, or some reasoning supporting the conclusion that resistors’ usefulness in blocking electromagnetic waves generally can extend to blocking noise specifically.

However, even assuming for the sake of argument that resistors are well-known to have the function of blocking electromagnetic noise, it is in no way obvious to include a resistor between an acoustic module and an input port of an amplification means. It is due to the peculiar nonlinearity of certain types of amplifier that such a reduction becomes useful, and the inclusion of a resistor between the acoustic module and the amplifier addresses a problem that was neither recognized nor solved in the prior art. It is therefore respectfully asserted that Ikeda does not disclose *or suggest* a resistor between the acoustic module and the input port of the amplification means.

Claim 1 as amended further recites structure for the EM-noise-filtering/ESD-blocking:

- a first capacitor connected in parallel between an output port of the application means and ground port to function as a filter;
- a second capacitor connected parallel to the first capacitor to perform an EM-noise-filtering and ESD-blocking function; and
- a first resistor **connected serially between an output port of the first capacitor and an output port of the second capacitor** to perform a decoupling

function, so that the EM-noise-filtering/ESD-blocking section has a shape of a character 'Π'.

It must be noted that this structure is included entirely within the condenser microphone. The Examiner asserts that Ikeda discloses a variety of circuits embodying the Π shape, or at least a || shape. However, none of Ikeda's embodiments show an arrangement where a first resistor is connected serially between an output port of the first capacitor and an output port of the second capacitor. *See, e.g.*, present specification, FIGs. 4a and 4b. The Examiner points to Ikeda's FIG. 4, which depicts a resistor 25 in serial with one of the capacitors 26, but in parallel with the other 21. The Examiner states that there is no significance to this distinction, and that the placement of the resistor is simply a design choice. However, as the Examiner is surely aware, it is a well-known aspect of basic circuit design that resistors and capacitors behave very differently depending on whether they are connected in parallel or in series.

In this case, the placement of a resistor at the top of the Π (effectively signaling that the resistor is to be placed in series between the outputs of the two capacitors) produces the superior behavior shown in FIG. 4e of the present specification. As a result, the particular arrangement recited in claim 1 is not merely an arbitrary design choice, but instead represents a structural departure from the prior art that produces significant and advantageous results. It is therefore respectfully asserted that Ikeda does not disclose *or suggest* the claimed structure for an EM-noise-filtering/ESD-blocking component.

For at least the above reasons, it is respectfully asserted that Ikeda does not disclose or render obvious all of the limitations of claim 1. It is therefore believed that claim 1 is in condition for allowance. Reconsideration of the rejection is earnestly solicited.

Claims 2, 6 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikeda.

Preliminarily, it should be noted that claim 2 has been withdrawn pursuant to the Examiner's restriction requirement of September 9, 2008. The patentability of claim 2 is therefore not currently at issue. It is respectfully asserted that the Examiner's rejection of claim 2 is premature.

Furthermore, claims 2, 6, and 10 depend from claim 1 and therefore include all of the above-discussed limitations. It is respectfully asserted that Ikeda does not disclose or suggest all of the limitations of claims 2, 6, and 10. It is therefore believed that claims 2, 6, and 10 are in condition for allowance. Reconsideration of the rejection is earnestly solicited.

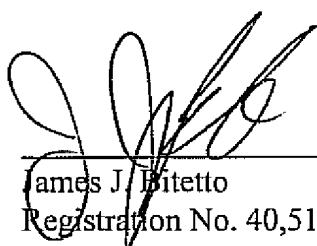
In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,

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